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**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 18, 2014

Donald W. Slager, President and Chief Executive Officer
Paul Ginochio
Republic Services, Inc.
18500 N. Allied Way
Phoenix, AZ 85054

Paul Ginochio, Operations Manager
Allied Waste Systems
441 N Buchanan Cir.
Pacheco, CA 94553

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

Dear Mr. Slager and Mr. Ginochio:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Federal Water Pollution Control Act (the "Clean Water Act" or "Act") that CSPA believes are occurring at Republic Service, Inc.'s industrial facility located at 441 N. Buchanan Cir. in Pacheco, California, and operating under the name "Allied Waste Systems" ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Suisun Bay and other California waters. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Allied Waste").

This letter addresses Allied Waste's unlawful discharge of pollutants from the Facility to storm drains that flow to Grayson Creek, which flows to Pacheco Creek or Slough and into Suisun Bay ("Bay"). The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Water Quality Order No. 92-12-DWQ as amended by Order No.

97-03-DWQ (hereinafter "General Permit").¹ The WDID identification number for the Facility listed on documents submitted to the Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board"), is 2 07I015302. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act. 33 U.S.C. § 1365(a). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Allied Waste is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against Allied Waste under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On July 30, 1999, the State Board approved Allied Waste's Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). In its NOI, Allied Waste certifies that the Facility is classified under SIC code 4953. The Facility collects and discharges storm water from its 4-acre industrial site through at least one outfall that discharge into channels that flow into Grayson Creek, which flows into Pacheco Creek, which then flows into the Bay.

The Regional Board has identified beneficial uses of the Bay region's waters and established water quality standards for Grayson Creek, Pacheco Creek, and the Bay in the "Water Quality Control Plan for the San Francisco Bay Basin," generally referred to as the "Basin Plan." See http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml. The beneficial uses of these waters include water contact recreation, noncontact water recreation, wildlife habitat, preservation of rare and endangered species, commercial and sportfishing, estuarine habitat, fish migration, cold freshwater habitat, and warm freshwater habitat. The noncontact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking,

¹ On April 1, 2014, the State Board reissued the General Permit, continuing its mandate that industrial facilities implement the best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") and, in addition, establishing numeric action levels mandating additional pollution control efforts. State Board Order 2014-0057-DWQ. The new permit, however, does not go into effect until July 1, 2015. Until that time, the current General Permit remains in full force and effect.

beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities. Water quality considerations relevant to non-contact water recreation, such as hiking, camping, or boating, and those activities related to tide pool or other nature studies require protection of habitats and aesthetic features.” *Id.* at 2.1.16. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of Grayson Creek, Pacheco Creek, and the Bay for water contact recreation and noncontact water recreation.

The Basin Plan establishes water quality standards for the Bay and its tributaries. The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal or that produce other detrimental responses in aquatic organisms.” *Id.* at 3.3.18. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3.3.21. The Basin Plan provides that “[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.14. The Basin Plan provides that “[t]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.12. The Basin Plan provides that “[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.19. The Basin Plan provides that “[w]aters shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.” *Id.* at 3.3.16. The Basin Plan provides that “[w]aters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.6. The Basin Plan provides that the “pH shall not be depressed below 6.5 nor raised above 8.5.” *Id.* at 3.3.9. The Basin Plan provides that “[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses.” *Id.* at 3.3.4. The Basin Plan has a narrative oil and grease standard that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3.3.7.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”).² The following benchmarks have been established for pollutants discharged by Allied Waste: pH – 6.0 - 9.0 units; total suspended solids (“TSS”) – 100 mg/L; oil and grease (“O&G”) – 15 mg/L; and iron – 1.0 mg/L.

² The Benchmark Values can be found at:
http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and
<http://cwea.org/p3s/documents/multi-sectorrev.pdf> (Last accessed on May 23, 2014).

II. Alleged Violations of the Clean Water Act and the General Permit.

A. Discharges in Violation of the Permit not Subject to BAT/BCT

Allied Waste has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit such as the General Permit. 33 U.S.C. § 1342. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand ("BOD"), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Allied Waste has violated and continues to violate the terms and conditions of the General Permit. In particular, Allied Waste has discharged and continues to discharge storm water with unacceptable levels of TSS, O&G, iron, and other pollutants in violation of the General Permit. Allied Waste's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1492 (9th Cir. 1988).

The following observations of pollutants in storm water discharged from the Facility have violated narrative water quality standards established in the Basin Plan and have thus violated

Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit.

Date	Parameter	Observation	Basin Plan Narrative Water Quality Objective	Location (as identified by the Facility)
2/19/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-1
2/19/2013	Narrative	Cloudy brown color	Basin Plan at 3.3.4	SS-1
2/19/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-3
2/19/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-4
2/19/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-5
1/23/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-1
1/23/2013	Narrative	Cloudy brown color	Basin Plan at 3.3.4	SS-1
1/23/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-3
1/23/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-4
1/23/2013	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-5
12/14/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-1
12/14/2012	Narrative	Cloudy brown color	Basin Plan at 3.3.4	SS-1
12/14/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-3
12/14/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-4
12/14/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-5
11/28/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-1
11/28/2012	Narrative	Cloudy brown color	Basin Plan at 3.3.4	SS-1
11/28/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-3
11/28/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-4
11/28/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-5
10/23/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-1
10/23/2012	Narrative	Cloudy brown color	Basin Plan at 3.3.4	SS-1
10/23/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-3
10/23/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-4
10/23/2012	Narrative	Oil sheen	Basin Plan at 3.3.7	SD-5
4/10/2012	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main drain outlet Drain in parking lot
3/13/2012	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main drain outlet Drain in parking lot

1/20/2012	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main drain outlet Drain in parking lot
11/9/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main drain outlet Drain in parking lot
10/6/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main drain outlet Drain in parking lot
5/16/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
4/14/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
3/15/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
2/16/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
1/13/2011	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
12/8/2010	Narrative	Cloudy; Oil sheen	Basin Plan at 3.3.14 / Basin Plan at 3.3.7	Main Storm Drain Outlet / Yard Drain at Employee Parking Lot
5/21/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
5/21/2010	Narrative	Oil sheen	Basin Plan at 3.3.7	# Drain at Shop Area

5/21/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	# Drain at Back Parking Lot
4/27/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
4/27/2010	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
4/27/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot
3/12/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
3/12/2010	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
3/12/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot
2/26/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
2/26/2010	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
2/26/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot
1/21/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
1/21/2010	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
1/21/2010	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot
12/11/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
12/11/2009	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
12/11/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot

11/6/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
11/6/2009	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
11/6/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot
10/13/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#1 Main Yard Drain
10/13/2009	Narrative	Oil sheen	Basin Plan at 3.3.7	#2 Drain at Shop Area
10/13/2009	Narrative	Cloudy / Floating Objects	Basin Plan at 3.3.14 / Basin Plan at 3.3.6	#3 Drain at Back Parking Lot

The information in the above table reflects data gathered from Allied Waste's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 wet seasons. CSPA alleges that during each of those wet seasons and continuing through today, Allied Waste has discharged storm water contaminated with pollutants at levels that violate one or more applicable narrative water quality standards, including but not limited to each of the following:

- Floating material - Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
- Suspended material – Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Color – Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
- Oil and Grease – Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Outfall (as identified by the Facility)
1/23/2013	Total Suspended Solids	528 mg/L	100 mg/L	Storm Drain 1
1/23/2013	Oil & Grease	61 mg/L	15 mg/L	Storm Drain 1
1/23/2013	Iron	28 mg/L	1.0 mg/L	Storm Drain 1
1/23/2013	Total Suspended Solids	780 mg/L	100 mg/L	Storm Drain 3
1/23/2013	Oil & Grease	40 mg/L	15 mg/L	Storm Drain 3
1/23/2013	Iron	13 mg/L	1.0 mg/L	Storm Drain 3
1/23/2013	Total Suspended Solids	590 mg/L	100 mg/L	Storm Drain 4
1/23/2013	Oil & Grease	69 mg/L	15 mg/L	Storm Drain 4
1/23/2013	Iron	15 mg/L	1.0 mg/L	Storm Drain 4
1/23/2013	Total Suspended Solids	1280 mg/L	100 mg/L	Storm Drain 5
1/23/2013	Oil & Grease	120 mg/L	15 mg/L	Storm Drain 5
1/23/2013	Iron	29 mg/L	1.0 mg/L	Storm Drain 5
1/23/2013	Iron	4.3 mg/L	1.0 mg/L	Surface Sample
1/23/2013	Total Suspended Solids	1200 mg/L	100 mg/L	Effluent Filter
1/23/2013	Iron	54 mg/L	1.0 mg/L	Effluent Filter
11/28/2012	Total Suspended Solids	274 mg/L	100 mg/L	Storm Drain 1
11/28/2012	Oil & Grease	37 mg/L	15 mg/L	Storm Drain 1
11/28/2012	Iron	12 mg/L	1.0 mg/L	Storm Drain 1
11/28/2012	Total Suspended Solids	151 mg/L	100 mg/L	Storm Drain 3
11/28/2012	Iron	4 mg/L	1.0 mg/L	Storm Drain 3
11/28/2012	Total Suspended Solids	339 mg/L	100 mg/L	Storm Drain 4
11/28/2012	Oil & Grease	26 mg/L	15 mg/L	Storm Drain 4
11/28/2012	Iron	9.2 mg/L	1.0 mg/L	Storm Drain 4
11/28/2012	Total Suspended Solids	510 mg/L	100 mg/L	Storm Drain 5
11/28/2012	Oil & Grease	59 mg/L	15 mg/L	Storm Drain 5
11/28/2012	Iron	21 mg/L	1.0 mg/L	Storm Drain 5
11/28/2012	Total Suspended Solids	6190 mg/L	100 mg/L	Surface Sample
11/28/2012	Oil & Grease	37 mg/L	15 mg/L	Surface Sample
11/28/2012	Iron	250 mg/L	1.0 mg/L	Surface Sample
11/28/2012	Total Suspended Solids	135 mg/L	100 mg/L	Effluent Filter
11/28/2012	Iron	9.9 mg/L	1.0 mg/L	Effluent Filter
4/10/2012	Total Suspended Solids	172 mg/L	100 mg/L	Main Drain Outlet Pretreatment
4/10/2012	Oil & Grease	19 mg/L	15 mg/L	Main Drain Outlet Pretreatment
4/10/2012	Iron	5.5 mg/L	1.0 mg/L	Main Drain Outlet Pretreatment
4/10/2012	Total Suspended Solids	143 mg/L	100 mg/L	Post Treatment
4/10/2012	Iron	10 mg/L	1.0 mg/L	Post Treatment

10/4/2011	Total Suspended Solids	252 mg/L	100 mg/L	Main Storm Drain Outlet
10/4/2011	Iron	6.5 mg/L	1.0 mg/L	Main Storm Drain Outlet
3/15/2011	Total Suspended Solids	366 mg/L	100 mg/L	Main Drain Outlet Pretreatment
3/15/2011	Oil & Grease	31 mg/L	15 mg/L	Main Drain Outlet Pretreatment
3/15/2011	Iron	6.1 mg/L	1.0 mg/L	Main Drain Outlet Pretreatment
3/15/2011	Total Suspended Solids	212 mg/L	100 mg/L	Main Drain Outlet Post treatment
3/15/2011	Iron	10 mg/L	1.0 mg/L	Main Drain Outlet Post treatment
12/8/2010	Total Suspended Solids	170 mg/L	100 mg/L	Main Drain Outlet Pre treatment
12/8/2010	Oil & Grease	20 mg/L	15 mg/L	Main Drain Outlet Pre treatment
12/8/2010	Iron	2.8 mg/L	1.0 mg/L	Main Drain Outlet Pre treatment
1/21/2010	Total Suspended Solids	462 mg/L	100 mg/L	Pre treatment
10/13/2009	Total Suspended Solids	160 mg/L	100 mg/L	Pre treatment
10/13/2009	Oil & Grease	22 mg/L	15 mg/L	Pre treatment
10/13/2009	Oil & Grease	16.3 mg/L	15 mg/L	Post treatment

The information in the above table reflects data gathered from Allied Waste's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 wet seasons. CSPA alleges that during each of those wet seasons and continuing through today, Allied Waste has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Oil & Grease – 15 mg/L
- Iron – 1.0 mg/L

CSPA's investigation, including its review of Allied Waste's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of EPA's benchmark values as well as applicable water quality standards indicates that Allied Waste has not implemented BAT and BCT at the Facility for its discharges of TSS, O&G, iron, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. Allied Waste was required to have implemented BAT and BCT by no later than October 1, 1992, or the date the Facility began operating. Thus, Allied Waste is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since June 18, 2009, and that will occur at the Facility subsequent to the date of this Notice of Violations and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that Allied Waste has discharged storm water containing impermissible levels of TSS, O&G, and iron in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.³

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Allied Waste is subject to penalties for violations of the General Permit and the Act since June 18, 2009.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

The above referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Allied Waste is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CSPA alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

³ The rain dates are all the days when 0.1" or more rain fell as measured by a weather station in Concord approximately seven miles from the facility. The weather data can be obtained at http://www.ipm.ucdavis.edu/calludt.cgi/WXDESCRIPTION?STN=UNION_CITY.A (Last accessed on June 18, 2014).

The Facility's Annual Reports indicate that there is one storm water outfall. However, the 2012-2013 Annual Report includes storm water sampling results from six different locations. Therefore, on information and belief, CSPA alleges that the Facility has failed to sample and analyze storm water discharges at all of its storm water discharge locations during the 2009-2010, 2010-2011, and 2011-2012 wet seasons. This results in up to 30 violations of the General Permit.

In addition, the Facility is required to analyze storm water samples for analytical parameters listed in Table D of the General Permit. Since the Facility has an SIC Code of 4953, it is required to analyze its storm water samples for iron. During the 2009-2010 wet season, the Facility failed to analyze its storm water discharges for iron. This results in at least four violations of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Allied Waste is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since June 18, 2009.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Section A and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) require dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (Section A(4)); a list of significant materials handled and stored at the site (Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water

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discharges and their sources, and a description of locations where soil erosion may occur (Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (Section A(9),(10)).

CSPA's investigation of the conditions at the Facility as well as Allied Waste's Annual Reports indicate that Allied Waste has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Allied Waste has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Allied Waste has been in continuous violation of Section A and Provision E(2) of the General Permit every day since June 18, 2009, at the very latest, and will continue to be in violation every day that Allied Waste fails to prepare, implement, review, and update an effective SWPPP. Allied Waste is subject to penalties for violations of the General Permit and the Act occurring since June 18, 2009.

D. Failure to File True and Correct Annual Reports

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last four wet seasons, Allied Waste and its agent, Paul Ginochio, inaccurately certified in its Annual Reports that the Facility was in compliance with the General Permit. Consequently, Allied Waste has violated Sections A(9)(d), B(14), and C(9) & (10) of the General Permit every time Allied Waste failed to submit a complete or correct report and every time Allied Waste or its agents falsely purported to comply with the Act. Allied Waste is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since at least June 8, 2010.

III. Persons Responsible for the Violations.

CSPA puts Allied Waste on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts Allied Waste on notice that it intends to include those persons in this action.

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IV. Name and Address of Noticing Parties.

The name, address, and telephone number of CSPA is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204
Tel. (209) 464-5067
Fax (209) 464-1028
E-Mail: deltakeep@me.com

V. Counsel.

CSPA has retained our office to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
Fax (510) 836-4205
michael@lozeaudrury.com
doug@lozeaudrury.com

VI. Penalties.

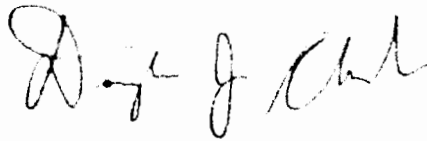
Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Allied Waste to a penalty of up to \$37,500 per day per violation. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CSPA intends to file a citizen suit under Section 505(a) of the Act against Allied Waste for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CSPA would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CSPA suggests that you initiate those discussions within the next 20 days so that they

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may be completed before the end of the 60-day notice period. CSPA does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. Chermak". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Sportfishing Protection Alliance

cc via First Class Mail: CT Corporation System, Agent for Service of Process for Republic
Services, Inc. (Entity Number C2267166)
818 West Seventh Street, 2nd Floor
Los Angeles, CA 90017

SERVICE LIST – via certified mail

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Bruce H. Wolfe, Executive Officer II
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

ATTACHMENT A
Rain Dates, Allied Waste Pacheco, Pacheco, California

10/13/2009	4/28/2010	3/23/2011
10/19/2009	5/10/2010	3/24/2011
11/20/2009	5/17/2010	3/25/2011
11/27/2009	5/25/2010	3/26/2011
12/6/2009	5/26/2010	4/7/2011
12/7/2009	5/27/2010	5/17/2011
12/11/2009	10/23/2010	6/1/2011
12/12/2009	10/24/2010	6/4/2011
12/13/2009	11/7/2010	6/5/2011
12/26/2009	11/19/2010	6/28/2011
1/12/2010	11/20/2010	10/3/2011
1/18/2010	11/23/2010	10/5/2011
1/19/2010	11/27/2010	11/5/2011
1/20/2010	12/5/2010	11/11/2011
1/21/2010	12/8/2010	11/19/2011
1/23/2010	12/14/2010	11/24/2011
1/25/2010	12/17/2010	1/19/2012
1/26/2010	12/18/2010	1/20/2012
1/29/2010	12/19/2010	1/21/2012
2/4/2010	12/21/2010	1/22/2012
2/6/2010	12/25/2010	1/23/2012
2/9/2010	12/28/2010	2/7/2012
2/21/2010	1/1/2011	2/13/2012
2/23/2010	1/2/2011	2/29/2012
2/26/2010	1/30/2011	3/1/2012
2/27/2010	2/15/2011	3/13/2012
3/2/2010	2/16/2011	3/14/2012
3/3/2010	2/17/2011	3/16/2012
3/10/2010	2/18/2011	3/17/2012
3/12/2010	2/19/2011	3/24/2012
3/30/2010	2/24/2011	3/25/2012
3/31/2010	2/25/2011	3/27/2012
4/4/2010	3/6/2011	3/31/2012
4/11/2010	3/14/2011	4/10/2012
4/12/2010	3/15/2011	4/12/2012
4/20/2010	3/18/2011	4/13/2012
4/21/2010	3/19/2011	4/25/2012
4/27/2010	3/20/2011	5/8/2012

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6/4/2012	4/1/2014
10/22/2012	4/4/2014
10/31/2012	4/25/2014
11/1/2012	
11/9/2012	
11/16/2012	
11/17/2012	
11/21/2012	
11/30/2012	
12/2/2012	
12/21/2012	
12/22/2012	
12/23/2012	
12/25/2012	
1/5/2013	
1/23/2013	
2/19/2013	
3/6/2013	
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3/31/2013	
4/1/2013	
4/4/2013	
4/7/2013	
11/19/2013	
11/20/2013	
11/21/2013	
12/6/2013	
1/30/2014	
2/2/2014	
2/5/2014	
2/6/2014	
2/7/2014	
2/8/2014	
2/9/2014	
2/26/2014	
2/28/2014	
3/5/2014	
3/26/2014	
3/29/2014	
3/31/2014	

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